UNITED STATES PATENT AND TRADEMARK OFFICE

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER
HAMILTON, LALITA M

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/758,112
Filing Date: January 03, 2001
Appellant(s): BOUBEZ ET AL.

James O. Skarsten
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 13, 2007 appealing from the Office

action mailed December 29, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 1 appears on page 18 of the

Appendix to the appellant's brief. The minor errors are as follows: In claim 1, the first

limitation should read "receiving a registration request **at the data processing**

system,..", and the last limitation should read "registering the service description in the

identified category **using the data processing system**..".

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under

appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Poon

(US 2002/0062265).

Poon discloses a method and corresponding apparatus with means and

computer program product with instructions in a data processing system for facilitating

user selection of an item category in an online auction comprising receiving a

registration request, the registration request including a service description and an

identification of a category within the taxonomy in which the service is to be registered,

determining if the service description should be registered in the identified category

based on a canonical service description associated with the category, and registering

the service description in the identified category if the determination is that the service

description should be registered in the identified category (p.49-50, para.para.26-32);

the canonical service description identifies minimum criteria for the category (p.49-50,

para.26-32); registering the service description in the category includes storing the

service description and an associated model description in a storage in association with

the category (p.49-50, para.26-32); implementation in a service broker within at least

one network (p.49-50, para.26-32); if is determined that the service description should

be registered in the category, a determination is made as to whether a request to add a

new category is received (p.49-50, para.26-32); if a request to add a new category is

received, a determination is made as to whether to add the new category, and wherein

if the new category is added, the service description is registered in association with

the new category (p.49-50, para.26-32); the canonical service description includes

information identifying minimum requirements of the category regarding one or more of

security requirements, privacy requirements and communication protocol requirements

(p.49-50, para.26-32); if is determined that the service description should not be

registered in the category, searching the taxonomy for an alternate category in which

the service description should be registered and registering the service description in

the alternate category (p.49-50, para.26-32); searching the taxonomy for an alternate

category includes searching one or more of sibling, parent and child categories of

identified category within a predetermined range of the identified category the taxonomy

(p.49-50, para.26-32); searching the taxonomy for an alternate category includes

searching the taxonomy for a category in which the service description meets

requirements of canonical service description associated with the alternate category

(p.49-50, para.26-32); and receiving a registration request at the service broker device,

the registration request including a canonical service description and an identification of

a category within the taxonomy in which the service is to be registered, determining if

the service description should be registered in the identified category based on a

canonical service description associated with the category, wherein the canonical

service description includes information identifying minimum requirements of the

category regarding one or more of security requirements, privacy requirements, or

communication protocol requirements, if the determination is that the service description

should be registered in the identified category, registering the service description in the

identified category; and if the determination is that the service description should not be

registered in the identified category, searching the taxonomy for an alternate category in

which the service description should be registered and registering the service

description in the alternate category, and storing the service description and an

associated model description in a storage device in association with the registered

category (p.49-50, para.26-32).

(10) Response to Argument

The Appellant argues that Poon does not disclose the limitations of claim 1. In

response, Poon discloses the following:

- receiving registration request including a service description and an

  identification of a category within the taxonomy in which the service is to

  be registered

- determining if the service description should be registered in the identified

  category based on a canonical service description associated with the

  category

- registering the service description in the identified category using the data

  processing system if the determination is that the service description

  should be registered in the identified category

In response, Poon discloses:

- receiving registration request including a service description and an

  identification of a category within the taxonomy in which the service is to

  be registered (registration request including a service description and an

  identification of a category within the taxonomy in which the service is to

  be registered (p.50, 29).

- determining if the service description should be registered in the identified

  category based on a canonical service description associated with the

  category (server applicant accesses the table 620 in the database 318 to

  retrieve and send stored category and subcategory information to the

  client. Each field 610 of one category or subcategory separately stores a

  category number or numeric I.D. of the category or subcategory (p.49, 1st

  paragraph). The client browser performs a test whether the selected

  category has no related subcategories, then the user has the option to

  record the category number of ht selected category and may further

  proceed with the registration process (p.50, 29).

- registering the service description in the identified category using the data
  processing system if the determination is that the service description
  should be registered in the identified category (p.50, 29—a test of whether
  the subcategory has related subcategories is performed, and if it does not
  exist, the user has the option to register the subcategory).

Poon discloses registering the service description in the identified category using
the data processing system if a result of applying the one or more canonical service
description tests is that the service description should be registered in the identified
category (p.50, 29—a test of whether the subcategory has related subcategories is
performed, and if it does not exist, the user has the option to register the subcategory).

The Appellant argues that Poon is concerned with auction items and not service
descriptions. In response, Poon discloses service descriptions for auction items, which
may be goods or services. On p.11 of the Applicant's specification, a service is said to
be any service that may be provided or contracted via a network. Auctions may be
used to provide or contract services to the highest bidder.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the
Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lalita M. Hamilton, Primary Examiner

Conferees:

Vincent Millin, /V.M./

Appeals Specialist TC 3600

Alexander Kalinowski /A. K./

Supervisory Patent Examiner, Art Unit 3691